

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI  
10.

T.A. No. 13 of 2011  
Suit No. 1402/06/03

Sh. Mahendra Singh

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. Satish Kumar Tripathi, Advocate.  
For respondents: Sh. Anil Gautam, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.**  
**HON'BLE LT. GEN. S.S.DHILLON, MEMBER.**

**ORDER**  
**20.07.2011**

1. This is a suit filed by the Plaintiff before the court of Senior Civil Judge, Delhi and Plaintiff has prayed that a decree of declaration may be passed thereby declaring the alleged application for discharge purportedly signed by the Plaintiff as null and void and forged one and as of no effect. He has also prayed for passing a decree of declaration thereby declaring that the order of discharge dated 14<sup>th</sup> February 2001 passed on the basis of alleged forged letter as illegal, void and without jurisdiction. He has prayed for costs also.

2. The Plaintiff joined Indian Army on 14<sup>th</sup> February 1999 as INF SOL with Parachute Regiment Training Centre, Bangalore and as per the Army Rules was allotted No. 13623133-A as a soldier. The Plaintiff appeared in examination conducted by Indian Army in December 1998 and qualified in all tests and was finally selected but unfortunately he was allotted grade of Safaiwala though he was eligible for Painter grade and the candidate Mr. Sanjeet Kumar Singh who secured less

marks than the Plaintiff and less qualified was allotted upper grade than the Plaintiff i.e. Painter. It is also alleged that Sanjeet Kumar Singh is in general category whereas Plaintiff is son of a serviceman and as such he has a priority over general candidates.

3. Plaintiff aggrieved by the arbitrary selection process and allotment of grade made a representation to Defendant No. 4 for change of grade from Safaiwala to Clerk grade but the Plaintiff was not eligible for Clerk grade as he was overage. Consequently, he filed a representation before the Defendants which was outrightly rejected by Defendants. Thereafter Plaintiff's father who was also in the Army raised about the irregularities in the selection process and allotment of grades. Thereafter Plaintiff being compelled by the circumstances and humiliation had written a letter-cum-representation to the Commandant, Parachute Training Centre, Bangalore on 3<sup>rd</sup> January 2001 giving his particulars and the happenings and requested the Commander that he may be kept in the Training Centre till the change of his grade and he may not be given posting. However, Commandant being annoyed and to settle his personal vendetta recommended the representation to be treated as request for discharge from service. A minute sheet was prepared and same was forwarded to the superior authorities. It is alleged that Defendant Nos. 3 and 4 forced the Plaintiff to give an application for discharge which was, however, refused by the Plaintiff. Thereafter a forged application for discharge was fabricated and even his signature on the said application was forged on the basis of which the Plaintiff was illegally and arbitrarily discharged from services by the order dated 14<sup>th</sup> February 2001 which has been challenged by the Plaintiff by filing this suit seeking aforesaid decree of declaration.

4. This has been contested by the Defendants and the Defendants denied the allegations, it is pointed out that Plaintiff on 3<sup>rd</sup> January 2000 did make a request for changing the grade from Safaiwala to Painter which was not possible and then he expressed a desire that he may be treated as discharged. On this a note sheet was prepared and the competent person recommended the same to Brigadier. But the application which was filed by the Plaintiff on 3<sup>rd</sup> January 2000 requesting for a discharge was not in the proper form and subsequently he voluntarily moved an application for discharge and on the basis of that he was discharged from services. The discharge drill was done and he was sent to Release Medical Board and all monetary benefits were given to the Plaintiff and ultimately he was released on 14<sup>th</sup> February 2001. Learned counsel for the Plaintiff submitted that he has not signed any application and his signatures have been forged. Therefore, we called the original records of the Plaintiff and tried to verify whether application for discharge bears the signature of Plaintiff or not. We verified his signatures from the original application filed by him with the signatures which he has done on the initial application when he applied for recruitment in the Army. Then we checked up his signatures with that on the other papers like the Release Medical Board papers and other necessary papers and we are satisfied that his original signatures are there in all these documents. In fact, after filing the petition before the Hon'ble Delhi High Court and the Suit, he has changed his signatures and given impression that the original application filed by him for discharge was forged. In fact all his signatures on various documents confirm that the Plaintiff did file the application for discharge from service and on his own request in the discharge application, he has been released from service on 14<sup>th</sup> February 2001. There is another aspect to check the veracity of the statement of the Plaintiff that he made a request on 5<sup>th</sup> January 2001 and was



actually released on 14<sup>th</sup> February 2001. Meanwhile all this process of release drill was done but he never protested at any point of time that he had not requested for voluntary discharge when all this drill was being done. Plaintiff is a graduate and not an illiterate person. He knows the significance of this discharge drill. In fact he filed a writ petition before the Hon'ble Delhi High Court which was dismissed but Hon'ble Court passed detail order. But when he came to challenge his signatures on the original discharge application, the Hon'ble Delhi High Court left it open to him to take appropriate recourse by filing a suit for declaration whether his signature is forged or not as the same cannot be done in writ jurisdiction as it was a question of leading necessary evidence. Since after the formation of this Tribunal all the matters pertaining to Defence Personnel have been transferred to this Tribunal, we examined the original signatures of the Plaintiff on the application for discharge and find that allegation of forged signature by the Defendants to discharge the Plaintiff is not correct.

5. Consequently, we are satisfied that Plaintiff voluntarily himself got discharge from service and he was in fact discharged on 14<sup>th</sup> February 2001. There is no ground to interfere in this suit and the same is dismissed with no order as to costs.

✓ **A.K. MATHUR**  
**(Chairperson)**

**S.S. DHILLON**  
**(Member)**

**New Delhi**  
**July 20, 2011**